1950

File No. Forest-II/50 (R)

Legal Department

B **BRANCH**

Subject:— Rules under the Indian Forest Act, 1927.

9-4

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File No. Forest-II/50(R)

Gen. 191 e.

222-B

Legal Department.

A revised draft notification is sent herewith.

Sd/-

Additional Secretary to Government.

N.T. to A.& F.I. No. 1806 dated the 8th February 1950.

N.T.D.
23/6
4c.

NOTIFICATION.

Agriculture and Forests Department,

Bombay Castle, February 1950.

Bombay Forest Rules, 1942.

No. 4499-J.- In exercise of the powers conferred by clause (b) of the proviso to rule 66 of the Bombay Forest Rules, 1942, published in Government Notification, in the Revenue Department, No. 4335/39, dated the 1st October 1942, the Government of Bombay is pleased to declare that the exemption granted under the said clause shall be not extend to the towns of Halol and Shehra in the Panchmahals District.

By order of the Governor of Bombay,

Secretary to Government.

N.V.D.
23/6
4c.

Legal Department.

The proposal is to frame model rules as at pages 69 to 73 ante for the assignment of forest area to individual holders in coastal talukas of the Kanara District and to insert therein a penalty clause for recovering double the value of any tree damaged by the assignee according to the valuation made by the Forest Department.

2. The Chief Conservator has stated at page 101 ante that the proposed rules are intended to be statutory rules but he has not indicated the authority in any act under which these rules can be made.

3. The proposed rules are not covered by section 28 or any other section of the Indian Forest Act, 1927. Section 28(1) of the Indian Forest Act, 1927, provides for assignment of village forests to any village community. It would not be legally feasible to assign under that section village forests to individual persons and to make statutory rules governing such assignment unless the section is suitably amended.

sd/-

Additional Secretary to Government.

W.R. to A.& F.D. No. 8730, dated the 26th June 1950.

N.V.D.
23/6
4c.

Legal Department.

Revised draft rules are sent herewith.

2. Agriculture and Forests Department draft rule 1(b).- The "Owner" is defined in the Indian Forest Act. No doubt this definition is inclusive but it cannot be given any other meaning. In any case the transferee with full rights is the owner. The definition should be omitted.

3. Agriculture and Forests Department draft rule 2.- The notice under section 35(3) should be given by the State Government. There is no provision of the Act under which this power of the State Government can be delegated to Forest officers. The portion providing for issue of such notice by the Forest officer has, therefore, been deleted.

4. Agriculture and Forests Department draft rules 5,6,9,12 and 13.- The Agriculture and Forests Department draft rules 5,6,9,12 and 13 are not in order. They have, therefore, been omitted from the revised draft.

5. Agriculture and Forests Department draft rules 7 and 8.- According to section 36(1) of the notice to be given to the owner of the Forest before his forest is placed under the control of a Forest officer is to be given by the State Government. Draft rule 7 which provides for issue of such notice by the Forest officer would not therefore be valid in law. It has accordingly been deleted from the revised draft. Draft rule 8 which depends upon draft rule 7 has been deleted in view of the deletion of rule 7.

Sd/-

Additional Secretary to Government.

N.V.D.

U.P. to A.and F.D.N o.12803 dated 7th Sept. 1950.